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in Interest*

**DO NOT SIGN**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RONALD LEE BELL,

Petitioner,

v.

KEVIN CHAPPELL,

Warden (Acting) of the California  
State Prison at San Quentin,  
Respondent.

No. C-99-20615 RMW

**STIPULATION OF THE PARTIES  
AND ORDER RE: PETITIONER'S  
ADMINISTRATIVE MOTION TO  
FILE AND MAINTAIN EXHIBIT D  
TO COUNSEL'S DECLARATION  
IN SUPPORT OF PETITIONER'S  
OPPOSITION TO RESPONDENT'S  
MOTION TO DISMISS UNDER  
SEAL.**

**Hearing Date: Fri. March 9, 2012  
Time: 9:00 a.m.  
Courtroom: No. 6, 4<sup>th</sup> Floor  
San Jose**

**DEATH PENALTY CASE**

1 The parties, through their counsel and pursuant to local rules 79-5, 7-11, 7-  
2 12, and GO 62 hereby stipulate that copies of medical records submitted as  
3 Exhibit D to the Declaration of Counsel in Support of Petitioner's Opposition to  
4 the Motion to Dismiss for Failure to Prosecute, shall be filed and maintained  
5 under seal.

6  
7 DECLARATION OF COUNSEL FOR PETITIONER IN SUPPORT OF  
8 ADMINISTRATIVE MOTION AND STIPULATION TO FILE SPECIFIED  
9 DOCUMENTS UNDER SEAL

10 I, Margaret Littlefield, declare under penalty of perjury of the laws of the  
11 State of California and the United States of America:

- 12 1. I am an attorney appointed by this Court to represent Petitioner Ronald  
13 Lee Bell.
- 14 2. In conjunction with Petitioner's Opposition to Respondent's Motion to  
15 Dismiss for Failure to Prosecute and Failure to Comply With Court's  
16 Order, counsel for Petitioner intends to submit a declaration to which  
17 Exhibits A through D will be attached.
- 18 3. Exhibit D to counsel's declaration consists of copies of San Quentin  
19 medical records on petitioner, and I have so represented to opposing  
20 counsel.
- 21 4. Medical records are the type of document appropriately filed under seal.  
22 *See, e.g., Russell v. Lanier*, 404 Fed. Appx. 288, 290 (10<sup>th</sup> Cir. 2010);  
23 *U.S. v. Williams*, 445 F.3d 724, 738 (4<sup>th</sup> Cir. 2006).
- 24 5. Opposing counsel informs me that, based upon my representation to  
25 him respecting the content of Exhibit D, he will not object to my request  
26 that this Exhibit be submitted for the Court's consideration under seal,  
27 albeit with a copy also provided to him. By so agreeing, opposing  
28 counsel does not concede that the information contained in Exhibit D is

1 relevant to any of the issues presented in the pending Motion to Dismiss  
2 for Failure to Prosecute and Failure to Comply With the Court's Order.  
3 Executed on the 10<sup>th</sup> of February, 2012, at Bolinas, Marin County,  
4 California.

5 /s/ Margaret Littlefield

6  
7 CONCLUSION

8 Based on the stipulation of the parties and the Declaration of Counsel set  
9 forth herein, and for good cause shown, the Court should order that Exhibit D to  
10 the Declaration of Counsel in Support of Petitioner's Opposition to the Motion to  
11 Dismiss be filed and maintained under seal.

12 Dated: February 10, 2012

13 /s/ Margaret Littlefield

14 Margaret Littlefield  
15 Attorney for Petitioner Ronald Lee Bell

16 Dated: February 10, 2012

17 /s/ Ronald Matthias

18 Ronald Matthias  
19 Attorney for Respondent and People of the  
20 State of California, Real Party in Interest

21 **PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS**  
22 **ORDERED THAT EXHIBIT D TO THE DECLARATION OF COUNSEL**  
23 **IN SUPPORT OF PETITIONER'S OPPOSITION TO THE MOTION TO**  
24 **DISMISS BE FILED UNDER SEAL.**

25 Date: 1 FEB 2012

26 

27 RONALD M. WHYTE  
28 United States District Judge